

TO THE JOINT COMMITTEE ON GOVERNMENT AND FINANCE

Calendar Year 2025 Report on Joint Enforcement of Hemp, Kratom & Related Products West Virginia Department of Revenue: State Tax Division & Alcohol Beverage Control Administration

Overview:

This is the report from the West Virginia Tax Commissioner and the West Virginia Alcohol Beverage Control Administration Commissioner to the Joint Committee on Government and Finance related to the joint enforcement efforts by the West Virginia Tax Division (Tax) and the West Virginia Alcohol Beverage Control Administration (ABCA) regarding hemp, kratom and related products. These joint enforcement efforts were mandated by Senate Bill 679 in the 2024 Regular Session.

During the 2024 Regular Session of the Legislature, Senate Bill 679 was passed and enforcement for Hemp, Kratom and Related Products was placed under the joint enforcement purview of our two Revenue Agencies and the West Virginia Department of Agriculture. The Legislature found that select plant-based derivatives, more commonly referred to as hemp, kratom and related products, can be regulated so as not to interfere with the strict regulation of controlled substances in this state. The three agencies work together on joint enforcement efforts at a retail level to ensure strict compliance with the provisions of SB 679, as well as other statutes under the purview of each agency. A large factor in the legislation was to ensure that sales to those under the age of 21 were prohibited and to ensure that retail establishments were strictly adhering to these provisions of the law, as well as others. Accordingly, the Tax Commissioner, ABCA Commissioner and the Agriculture Commissioner entered into a cooperative working relationship as outlined by Senate Bill 679 and their staff has been actively working under the provisions of this law to aid each other in the enforcement of this law, assisting each other with training and cooperating with State and local law enforcement, and conferring with one another and law enforcement about the enforcement of this section on a monthly basis.

Staff from each of the three agencies attempt to communicate and coordinate at least every two to three weeks. They have worked together to develop training for their internal staff as well as training for law enforcement and prosecutors. They stand ready to present said training to any law enforcement or prosecutor in the state to aid in the enforcement of West Virginia Law.

I. Collaboration and Training

Collaboration: Collaborative phone calls and communication between Tax, ABCA, and the Department of Agriculture takes place regularly. Collaborative in-person meetings were held in April, May, June, and December 2025. These meetings have typically been held at the offices of the ABCA Commissioner.

Additional planning and strategy meetings have been held just prior to each of the joint enforcement operations outlined in section II of this report.

All three agencies also held joint training for ABCA Agents at the ABCA Annual Training Conference in Tucker County September 30 – October 2, 2025. Representatives from Tax, ABCA, Department of Agriculture, as well as training experts from Delaware Department of Safety and Homeland Security, National Liquor Law Enforcement Association, State of Ohio Enforcement Agents in Charge, and West Virginia State Police BCI.

ABCA and Tax held joint training for Investigators and Revenue Agents at the Tax Division Annual Training Conference in Kanawha County on October 8, 2025. Additionally, training experts ALTRIA Tobacco Company presented a session on recognizing counterfeit products.

II. Joint Enforcement Operations – Underage Hemp Buys

Joint Enforcement operations from all three agencies have taken place across the state on multiple dates. This enforcement work sees an ABCA undercover agent visit the retail locations with an undercover buyer who is under the age of 21. At these visits the buyer attempts to purchase a restricted hemp derived product containing legal amounts of THC, and the undercover agent purchases a drug paraphernalia product which is also restricted for sale and requires logging and reporting under other sections of code. The law currently requires a law enforcement officer from the city, county or state to file criminal charges for the underage hemp purchase. Tax Division Investigators file the criminal charges for the drug paraphernalia purchases that violate the law. ABCA agents forward the hemp administrative citations to the West Virginia Department of Agriculture. Several joint operations took place in cooperation with County Sheriff's Departments and County Prosecuting Attorney's Offices. In these cases, Deputy Sheriffs or Municipal Police handled the arrests.

During the 2025 calendar year, joint enforcement operations took place in the following counties on the following dates, with the results of the operations listed, along with a notation if there was a cooperating law enforcement agency for the specific operation:

02/10/2025 – Cabell County – 17 retail locations visited, 5 Hemp buys, 5 Drug Paraphernalia buys. Assistance by WV State Police and US Department of Homeland Security.

02/18/2025 – Mercer County – 6 retail locations visited, 2 Hemp buys, 5 Drug Paraphernalia buys.

02/19/2025 – Raleigh County – 2 retail locations visited, 2 Hemp buys, 2 Drug Paraphernalia buys.

04/03/2025 – Lincoln County – 6 retail locations visited, 1 Hemp buy, 1 Paraphernalia buy.

04/22/2025 – Brooke and Hancock Counties – 15 retail locations visited, 4 Hemp buys, 10 Drug Paraphernalia buys.

04/23/2025 – Ohio County – 21 retail locations visited, 4 Hemp buys, 13 Paraphernalia buys.

04/24/2025 – Marshall County – 9 retail locations visited, 1 Hemp buy, 6 Paraphernalia buys.

05/05/2025 – Preston County – 6 retail locations visited, 1 Hemp buy, 2 Paraphernalia buys. Assistance by the Preston County Sheriff's Department.

05/05/2025 – Monongalia County – 7 retail locations visited, 2 Hemp buys, 5 Paraphernalia buys.

05/06/2025 – Monongalia County – 18 retail locations visited, 0 Hemp buys, 13 Paraphernalia buys.

05/07/2025 – Taylor County – 1 retail location visited, 1 Hemp buy, 1 Paraphernalia buy.

05/07/2025 – Marion County – 14 retail locations visited, 1 Hemp buy, 12 Paraphernalia buy. Assistance by West Virginia State Police.

05/19/2025 – Lewis County – 6 retail locations visited, 0 Hemp buys, 4 Paraphernalia buys. Assistance by Lewis County Sheriff's Department.

05/19/2025 – Gilmer County – 2 retail locations visited, 0 Hemp buys, 2 Paraphernalia buys.

05/20/2025 – Logan County – 3 retail locations visited, 1 Hemp buy, 2 Paraphernalia buys. Assistance by the Logan County Sheriff's Department.

05/20/2025 – Mingo County – 6 retail locations visited, 2 Hemp buys, 2 Paraphernalia buys.

06/04/2025 – Greenbrier County – 8 retail locations visited, 3 Hemp buys, 8 Drug Paraphernalia buys. Assistance by Greenbrier County Sheriff’s Department and Lewisburg Police Department. 8 arrests, 7 search warrants executed.

06/04/2025 – Monroe County – 1 retail location visited, 0 Hemp buys, 0 Paraphernalia buys.

07/22/2025 – 0723/2025 – Kanawha County – 40 retail locations visited, 9 Hemp buys, 14 Paraphernalia buys. Assistance by Kanawha County Sheriff’s Department and Charleston Police Department. 9 arrests, 9 search warrants executed.

08/19/2025 – Putnam County – 14 retail locations visited, 2 Hemp buys, 3 Paraphernalia buys. Assistance by Putnam County Sheriff’s Department and Eleanor Police Department. 2 arrests, 6 search warrants executed.

09/25/2025 – Greenbrier County – 6 retail locations visited, 1 Hemp buy, 2 Paraphernalia buys. Assistance by Greenbrier County Sheriff’s Department. 1 arrest.

2025 total number of retail locations visited for undercover joint operations 208.

Underage Hemp Buys	Total: 42	Buy Rate: 20%
Drug Paraphernalia Buys	Total: 112	Buy Rate: 53%

The West Virginia Department of Agriculture sends reports from each of these operational details to the Prosecuting Attorney for each county. Upon completion the reports were sent to the respective prosecuting attorney’s offices by the West Virginia Department of Agriculture. County Prosecutors have in turn reached out and communicated with both Tax and ABCA in an effort to secure convictions on these cases.

Sales of drug paraphernalia in violation of the West Virginia Code were pursued directly by the State Tax Division, Criminal Investigation Division. Investigators for the Tax Division received 83 referrals from the joint operations in 2025. Of those 83 referrals, cases against 72 stores were pursued and cases against 11 stores were not pursued by the Tax Division. Charges stemming from operations at 72 retail locations resulted in a total of 177 misdemeanor counts being charged in various Magistrate Courts. 150 counts for violation of 47-19-4, 22 counts for violation of 47-19-2, and 5 counts for violation of 47-19-1, all dealing with the sale of drug paraphernalia products in these retail locations without collecting photo ID and properly logging the sale to ensure the products are not sold to minors under the age of 21. ABCA Agents included purchases of drug paraphernalia as part of their undercover operations during these joint enforcement details.

All charges and counts are currently pending in their respective Magistrate Courts. To date, 28 of the cases have been resolved with guilty pleas and paying of the court ordered fines.

The West Virginia Department of Agriculture has seized and taken into their possession illegal products with the assistance of both Tax Division Investigators and ABCA Agents at multiple locations during these joint enforcement operations.

On a side note, during joint enforcement operations in Lewis County, the Lewis County Sheriff's Department notified the ABCA of a problem bar in the area. During joint enforcement operations in the area, the Tax Division provided assistance to the ABCA in visiting this bar. Multiple violations were discovered, contraband products were seized, and the Lewis County Health Department closed the bar on multiple health code violations.

Prepared and Submitted by:

Tax Division, Commissioner Matthew Irby

R. Derek Walker, Assistant Deputy Commissioner of Compliance & Enforcement
304-558-0751

Alcohol Beverage Control Administration, Commissioner Fred Wooton

Benny J. Eplin, Director of Enforcement
304-356-5527